

Hanging and Crucifixion in Second Temple Israel

Deuteronomy 21:22–23 in the Light of Archaeology and the Dead Sea Scrolls

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The discovery of the skeleton of a crucified man in an ossuary, probably dating to the administration of Pontius Pilate, prefect of Judea and Samaria, reopened the question of the practice of crucifixion in Palestine in the late Second Temple period.¹ This significant archaeological discovery also created fresh interest in Dead Sea Scrolls texts that speak of crucifixion, quoting or alluding to Deut 21:22–23, an important legal text regarding the hanging and burial of executed criminals. The present study will review this evidence, beginning with the just mentioned passage of Scripture.

Deuteronomy 21:22–23 and Hanging in Old Testament Literature

²² And if a man has committed a crime punishable by death and he is put to death, and you hang him on a tree [וְהָלַךְ יָת אִתּוֹ עַל-עֵץ / κρεμάσητε αὐτὸν ἐπὶ ξύλου], ²³ his body shall not remain all night upon the tree, but you shall bury him the same day, for a hanged man is accursed by God; you shall not defile your land which the Lord your God gives you for an inheritance. (Deut 21:22–23)

The verb “hang” (וְהָלַךְ) occurs some twenty-seven times in the MT and is usually translated κρεμόννυμι in the corresponding passages in the LXX.² The first occurrences are found in the story of Joseph and Pharaoh’s chief baker. Joseph, the interpreter of dreams, tells the unfortunate baker that “Pharaoh will lift up your head — from you! — and hang you on a tree [וְהָלַךְ הָ אִתְּךָ עַל-עֵץ / κρεμάσει σε ἐπὶ ξύλου]; and the birds will eat the flesh from you” (Gen 40:19). And so it happened, the baker was hanged (Gen 40:22; 41:13).³

¹ I refer to the discovery near Giv’at ha-Mivtar. This find will be discussed below.

² For lexical data regarding וְהָלַךְ, see BDB 1067–68; *TWOT* 2:970–71. For lexical data regarding κρεμόννυμι, see BAG 451; *LSJ ad loc.*; *TDNT* 3:915–21.

³ The facts of the imprisonment of the two servants, the eventual release of the cupbearer, and the eventual execution of the baker suggest a case of poisoning, or at least attempted poisoning. One suspect was cleared; the other was convicted.

Joshua, the great commander who succeeded Moses and conquered the Promised Land, hanged some of Israel's enemies. The first was the king of Ai:

And he hanged the king of Ai on a tree [עַל־הָאֵלָּהּ / ἐκρέμασεν ἐπὶ ξύλου] until evening; and at the going down of the sun Joshua commanded, and they took his body down from the tree, and cast it at the entrance of the gate of the city, and raised over it a great heap of stones, which stands there to this day. (Josh 8:29)

Next to be hanged by Joshua were the five kings who attacked Gibeon:

²⁶ And afterward Joshua smote them and put them to death, and he hung them on five trees [עַל־חֲמִשָּׁה עֵצִים / ἐκρέμασεν αὐτοὺς ἐπὶ πέντε ξύλων]. And they hung upon the trees [עַל־הָעֵצִים / ἤσαν κρεμόμενοι ἐπὶ τῶν ξύλων] until evening;²⁷ but at the time of the going down of the sun, Joshua commanded, and they took them down from the trees, and threw them into the cave where they had hidden themselves, and they set great stones against the mouth of the cave, which remain to this very day. (Josh 10:26–27)

The hangings recounted in Genesis and Joshua cohere at important points with the law of Deuteronomy 21.⁴ Pharaoh hangs his chief baker (“on a tree,” readers will assume, in the light of the interpretation offered by Joseph). Joshua hangs on trees the king of Ai and the five attacking kings. In the case of the five kings we are told that they were first put to death (וַיִּמָּוֶת / ἀπέκτεινεν αὐτούς) and then hanged, which corresponds precisely with Deuteronomy (“he is put to death, and you hang him on a tree”). We are not told if the king of Ai was put to death before being hanged; perhaps this was assumed. Moreover, the bodies of the king of Ai and of the five kings who attacked Gibeon were taken down at the end of the day and were buried, as Deuteronomy 21 specifically commands. However, in the case of Pharaoh's baker readers may have assumed that the body was left hanging on the tree, for Joseph foretold that the birds will eat his flesh. In any case, readers would not assume that Pharaoh would necessarily have taken down a hanged corpse before nightfall.

⁴ “Joshua scrupulously obeys this law,” as noted in R. D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox Press, 2002) 262. Of course, in terms of the development of laws of the Pentateuch/Hexateuch, the precise relationship of the stories of Joshua (and Genesis) to Deuteronomy 21 is a bit more complicated. See D. L. Christensen, *Deuteronomy 21:10–34:12* (WBC 6B; Nashville: Thomas Nelson, 2002) 487–89. Custom and practice may have influenced the (later) formulation of the law.

The law of Deuteronomy 21 appears to focus on the command not to leave the body of the executed criminal hanging on a tree overnight. Admittedly, the Hebrew grammar is somewhat ambiguous, but the translation of the RSV appears to have it right: “And if a man has committed a crime punishable by death and he is put to death, and you hang him on a tree . . . ” (v. 22), that is, if a criminal has been executed according to custom, a custom attested not only in Israel but in surrounding non-Israelite societies (as in Egypt, Persia, and elsewhere). The command is then given in v. 23: “His body shall not remain all night upon the tree, but you shall bury him the same day.” The command is not seen in hanging someone on a tree, but in taking the corpse down and burying it on the day of death.⁵

There are other hangings in the Old Testament that should be mentioned. David ordered the hanging of the men who murdered Saul’s crippled son Ish-bosheth:

And David commanded his young men, and they killed them, and cut off their hands and feet, and hanged [חָלְסוּ] / ἐκρέμασαν] them beside the pool at Hebron. (2 Sam 4:12)

David’s men recovered the bodies of Saul and his sons, whom the Philistines had hung in the public square in Beth-shan (1 Sam 31:9–13; cf. 2 Sam 21:12).

⁵ For a different nuance, see the NEB: “When a man is convicted of a capital offence and is put to death, you shall hang him on a gibbet; but his body shall not remain on the gibbet overnight” The third clause is taken in an imperatival sense, “you shall hang him on a gibbet.” However, the consecutive construction of the Hebrew favors a continuation of the conditional sense, with which the verse begins: “And if a man has committed a crime . . . and (if) he is put to death, and (if) you hang him on a tree” The prohibition of v. 23, “his body shall not remain [לֹא יָחַל] all night upon the tree,” introduces the command proper. The original purpose of the hanging is uncertain. Some commentators think the public hanging of the executed person (which in Israel usually meant death by stoning; cf. Lev 20:2, 27; 24:14, 16, 23; etc.) is for deterrence. On this interpretation, see S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; Edinburgh: T. & T. Clark, 1895) 248–49; P. C. Craigie, *Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976) 285; Christensen, *Deuteronomy 21:10–34:12*, 490; Nelson, *Deuteronomy*, 262. Others think it originally had to do with appeasing the deity, to show that the person who broke the divine law had been punished. On this interpretation, see A. Phillips, *Deuteronomy* (The Cambridge Bible Commentary on the New English Bible; Cambridge: Cambridge University Press, 1973) 143–44. This interpretation may have some support, at least in respect to later times and in the west, in the report that the Gauls “crucify [ἀνασκολοπίζουσι] to the gods . . . malefactors” and offer them up, along with other sacrifices (Diodorus Siculus, *Bib. Hist.* 5.32.6).

Hanging is a prominent feature in the book of Esther. Court officials who plotted murder against the Persian king “were both hanged on a tree [וַיִּתְּלוּ שְׁנֵיהֶם עַל-עֵץ / ἐκρέμασεν αὐτούς]” (Esth 2:23).⁶ This event only adumbrates the deadly struggle between Haman and Mordecai. The former builds gallows on which he hopes to hang the latter (Esth 5:14; 6:4). In the end, however, it is Haman who is hanged: “. . . the gallows which Haman has prepared for Mordecai . . . is standing in Haman’s house . . . ‘Hang him on it [וְעַל-יָוִי / σταυρωθήτω ἐπ’ αὐτοῦ].’ So they hanged Haman on the tree [וַיִּתְּלוּ אֶת-הָמָן עַל-הָעֵץ] / ἐκρεμάσθη Ἀμαν ἐπὶ τοῦ ξύλου]” (Esth 7:9–10; cf. 8:7). Even the ten sons of Haman are hanged (Esth 9:13–15). It is intriguing to note that the Greek translation renders the king’s command, “Hang him on it,” with σταυρωθήτω (“let him be crucified”), instead of a form of κρεμάννυμι.⁷ This choice in translation provides an important lexical clue, suggesting that “hanging” in the first or century BCE was sometimes understood in reference to crucifixion.

First-Century Interpretation of the Texts of Hanging

First-century interpretation of Genesis 40 (the hanging of the Pharaoh’s baker), 1 Samuel 31 (hanging of Saul and sons), Esther (the hanging of Haman), and Deuteronomy 21 (the law of hanging and burial) is quite instructive, as especially seen in Philo, Josephus, and the Dead Sea Scrolls.⁸

Interpretation of Genesis 40: The Hanging of Pharaoh’s Baker

In his allegorical interpretation of the life of the patriarch Joseph, Philo of Alexandria probes the deeper meaning of the dreams of Pharaoh’s cupbearer and chief baker. He does this primarily by an imaginative and expansive paraphrase of the story. After

⁶ The Greek does not supply the expected ἐπὶ τοῦ ξύλου, which has probably become formulaic and so if unmentioned it is nonetheless understood.

⁷ In the Greek “Additions to Esther,” see also the reference to Haman, who “has been hanged [ἐσταυρώσθαι] at the gates of Susa, with all his household” (16:18 = 8:12r). On σταυρός and (ἀνα)σταυρώω, see *TDNT* 7:572–84.

⁸ For a much fuller treatment, see D. W. Chapman, *Ancient Jewish and Christian Perceptions of Crucifixion* (WUNT 2.244; Tübingen: Mohr Siebeck, 2008).

hearing the chief baker's dream, Joseph explains: "The three baskets are symbols of three days. When these have passed, the king will order you to be impaled and beheaded, and the birds will feast upon your flesh until you are entirely devoured" (*Jos.* 96). As foretold, three days later Pharaoh remembered his imprisoned servants, "ordering one to be impaled and beheaded and the other to be restored to his former office" (*Jos.* 98).⁹

In the interpretation of the dream Philo has Joseph predict "you will be impaled and beheaded" (ἀνασκολοπισθῆναι σε καὶ τὴν κεφαλὴν ἀποτμηθῆναι). Accordingly, in narrating the execution Philo says the chief baker was "impaled and beheaded" (ἀνασκολοπισθῆναι τὴν κεφαλὴν ἀποτμηθέντα). Philo has used the verb ἀνασκολοπίζω instead of κρεμάννυμι, which is the word used in the Greek version of Genesis 40–41, a word that literally means "hang." σκολοπίζω means "impale," while ἀνασκολοπίζω usually means "fix on a stake."¹⁰ When we compare Philo's account with Gen 40:19 we notice the reversal of the sequence of the verbs of execution. This reversal may have significance. The impaled-beheaded sequence of the interpretation of the dream (*Jos.* 96) and execution narrative (*Jos.* 98) stands in contrast to the sequence in Gen 40:19 ("lift up your head" [beheaded], "hang you on a tree" [impaled]). The reversal may reflect the influence of Deut 21:22 ("put to death," then "hanged on a tree").

Later in his treatise on Joseph Philo returns to the cupbearer and the chief baker, in order to find additional allegorical meaning. Because of the gravity of his offense the chief baker "is properly put to death by hanging [θνήσκει κρεμασθείς], suffering what he has made others to suffer, for indeed he has hanged [ἀνεκρέμασε] and racked the starving man with hunger" (*Jos.* 156). In this instance Philo's use of κρεμάννυμι / ἀνακρεμάννυμι may reflect the language of LXX Genesis 40–41 and perhaps also Deuteronomy 21.¹¹

⁹ Translations of Philo are based on F. H. Colson et al., *Philo* (LCL; London: Heinemann; Cambridge, MA: Harvard University Press, 1929–53).

¹⁰ Cf. LSJ *ad loc.* σκολοπίζω and ἀνασκολοπίζω do not occur in the New Testament writings (but the cognate σκόλοψ, "thorn," does; cf. 2 Cor 12:7). σκόλοψ can also mean "stake" and as such is synonymous with σταυρός.

¹¹ The Hebrew's "hang on a tree [ע"י]" becomes "hang on the pole [צל"ב]" in *Tg. Neof.* Gen 40:19 and 41:13. The Aramaic language may connote crucifixion. See M. McNamara, *Targum Neofiti 1: Genesis* (ArBib 1A; Collegeville MN: Liturgical Press, 1992) 184 n. 12.

The patriarch Joseph is of special interest to his namesake Josephus, who also claimed to have the power to interpret dreams and portents (*J.W.* 3.351–52), as well as to prophesy (*J.W.* 3.399–408). Josephus also relates the story of the unhappy chief baker. According to Josephus, the patriarch Joseph told the baker “that on the third day he should be crucified [ἀνασταυρωθέντα].” And so it happened, that when “the king solemnized his birthday, he crucified [ἀνεσταύρωσε] the chief baker, but set the cupbearer free from his bonds, and restored him to his former service” (*Ant.* 2.73; cf. *Ant.* 2.77 “the chief baker was crucified [σταυρωθείη] on the very same day”). It is interesting to note that Josephus has employed ἀνασταυρόω, instead of κρεμάννυμι.¹²

Interpretation of 1 Samuel 31: The Hanging of Saul

According to LXX 1 Sam 31:10 the Philistines “fastened (Saul’s) body on the wall [τὸ σῶμα αὐτοῦ κατέπηξαν ἐν τῷ τείχει] of Beth-shan.” The Greek καταπήγνυμι translates עָקַף. The Hebrew means to “thrust” or “drive,” in the sense of driving pegs or stakes into the ground, or, in 1 Sam 31:10, fastening the body of Saul to the wall.¹³ The Greek means to “stick in the ground” or “plant firmly,”¹⁴ and so has essentially the

¹² There are some 45 examples of κρεμάννυμι, σταυρός, σταυρόω, and ἀνασταυρόω in Josephus, the last being the most common. Several examples will be discussed below. Others include *Ant.* 11.17, 103; 12.256 (by order of Antiochus IV Jews who refused to abandon their faith “were crucified [ἀνεσταυροῦντο] while they were still alive and breathed”); 17.295 (by order of Roman general Varus two thousand “were crucified [σταυρωθέντες] on account” of revolt); 18.79; 19.94; 20.102, 129 (Quadratus “crucified [ἀνεσταύρωσεν]” Jewish troublemakers “whom Cumanus had taken captives”); as well as parallels and further examples in *J.W.* 2.75 (Varus), 241 (Quadratus), 253 (by order of Felix a large number of robbers “were crucified [ἀνασταυρωθέντων]”), 306 (Florus “first chastised with stripes [μάστιξιν προαικισάμενος], and then crucified [ἀνεσταύρωσεν]” many of the “quiet people”), 308 (Florus had “men of the equestrian order whipped, and nailed to the cross [σταυρῷ προσηλῶσαι] before his tribunal”); 3.321; 5.289 (Titus), 449–51 (by order of Titus those fleeing “they were first whipped [μαστιγούμενοι], and then . . . were then crucified [ἀνεσταυροῦντο] before the wall of the city); 7.202; *Life* 420.

¹³ BDB 1075; *TWOT* 2:979; S. R. Driver, *Notes on the Hebrew Text and the Topography of the Books of Samuel* (rev. ed., Oxford: Clarendon Press, 1913) 230–31. The public display of Saul’s body was “brutal evidence of victory”; R. W. Klein, *1 Samuel* (WBC 10; Dallas: Word, 1983) 289. See also the comments in H. W. Hertzberg, *I & II Samuel* (OTL; Philadelphia: Westminster, 1964) 232–33.

¹⁴ LSJ *ad loc.* The word occurs two other times in the LXX (cf. Hos 5:2; 9:8).

same meaning as the Hebrew. In his telling of the story Josephus says the Philistines “pinned [ἀνεσταύρωσαν] the bodies (of Saul and of his sons) to the walls [πρὸς τὰ τεῖχη] of the city Beth-shan” (*Ant.* 6.374).¹⁵ We could also say “staked up” or even “crucified” at the walls of the city. It is again interesting to note Josephus’s use of the word ἀνασταυρόω. It should also be noted that according to Josephus, the men of Jabesh-Gilead “were horrified at the thought of leaving (the bodies of Saul and his sons) unburied” (*Ant.* 6.375).

The horror felt concerning an unburied corpse is illustrated in Tobit and in Philo’s moving account of Jacob’s lament over the death of his son Joseph.

Of all Tobit’s virtues, it was his burying the dead that was his greatest (1:18–20; 2:3–8; 4:3–4; 6:15; 14:10–13).¹⁶ Some of the persons whose bodies Tobit buried evidently had been executed by state authority, and not simply murdered (cf. 1:18 “I also buried any whom King Sennacherib put to death”).¹⁷ Josephus’ perspective is consistent with that expressed in Tobit. Explaining Jewish ethical obligations, Josephus states: “We must furnish fire, water, food to all who ask for them, point out the road, not leave a corpse unburied, show consideration even to declared enemies” (*Against Apion* 2.211; cf. 2.205).

Philo gives eloquent expression to Jewish sensitivities on this question, in his imaginative recounting of Jacob’s grief over the report that his son Joseph had been killed and devoured by wild animals. The patriarch laments: “Child, it is not your death that grieves me, but the manner of it. If you had been buried in your own land, I should have been comforted and watched and nursed your sick-bed, exchanged the last farewells as you died, closed your eyes, wept over your body as it lay there, given it a costly funeral and left none of the customary rites undone” (*De Iosepho* 22–23).

¹⁵ In his account, Josephus has followed 1 Samuel 31 rather than the parallel account in 1 Chronicles 10. See the notes in S. Mason (ed.), *Flavius Josephus: Translation and Commentary*. Volume 4: *Judean Antiquities* 5–7, by C. T. Begg (Leiden: Brill, 2005) 202–3.

¹⁶ C. A. Moore, *Tobit* (AB 40A; New York: Doubleday, 1996) 120. “To bury someone is the most important ‘charitable act’ in Tobit.”

¹⁷ F. Zimmermann, *The Book of Tobit: An English Translation with Introduction and Commentary* (Dropsie College Edition: Jewish Apocryphal Literature; New York: Harper & Brothers, 1958) 51: “In other words, the bodies were known to be of marked men executed, not nameless war casualties.” The king sought the bodies, in order to hang them up.

Interpretation of Esther: The Hanging of Haman

In the course of his narration of Jewish history Josephus recounts the story of Esther and Mordecai. In LXX Esth 2:23 the Persian king “hanged” (ἐκρέμασεν) the two court officials who plotted against him. Josephus, however, says the king “crucified” (ἀνεσταύρωσεν) the officials (*Ant.* 11.208). We see a similar modification in the story of Haman’s plot to have Mordecai executed. Because of his jealousy, Haman’s wife advises him to have a tall tree (ξύλον) cut down and then request the king “to crucify [ἀνασταυρώσαι] Mordecai” (*Ant.* 11.246). In due course the Persian king discovers Haman’s plot and orders the villain executed on the very tree, now a “cross” (σταυρός), that he had prepared for Mordecai (*Ant.* 11.266). According to Josephus, the king “ordered that at once (Haman) be hung upon the very cross until he died [ἐκείνου τοῦ σταυροῦ κρεμασθέντα ἀποθανεῖν]” (*Ant.* 11.267). The king later announces by letter: “I have crucified [ἀνεσταύρωσα] the one who devised” the plot against the Jews (*Ant.* 11.280). Indeed, the “ten sons of Haman” were also ordered “crucified [ἀνασταυρώσαι]” (*Ant.* 11.289).

In LXX Esther the verb that appears most is κρεμάννυμι. σταυρόω occurs once (in Esth 7:9). Its appearance no doubt encouraged Josephus to make liberal use of σταυρός and ἀνασταυρόω. Even if it had not appeared, Josephus probably would have spoken of “cross” and “crucify,” as he did in his paraphrasing of the other stories of Scripture.

Interpretation of Deuteronomy 21: The Law of Hanging

Philo quotes and alludes to Deut 21:22–23 on a few occasions, sometimes with allegorical interpretations. One allegorical approach is to interpret the phrase “hang on a tree” as indeed the occasion for a curse, because one ought to “hang” upon God (*Cain* 26). Accordingly, the cursed one is bound to the body and does not depend on God. In another instance Philo applies Deut 21:22–23 literally. The appeal is allusive but unmistakable: For men who are particularly wicked, Moses, not able to condemn the felons to a deserved “ten thousand deaths,” prescribed a special “punishment for them, commanding those who had slain a man to be hanged” (*Laws* 3.151). Nevertheless, this severe punishment was not without an element of mercy, Philo reasons, for the lawgiver

“pronounced, ‘Let not the sun set upon persons hanging [ἀνεσκολοπισμένοις] (on a tree)’; but let them be buried under the earth and be concealed from sight before sunset” (*Laws* 3.152).

In this passage Philo has twice used the verb ἀνασκολοπίζω, rather than the LXX’s κρεμόννυμι. The paraphrase itself, in *Laws* 3.152, is distinctive: μὴ ἐπιδύετω ὁ ἥλιος ἀνεσκολοπισμένοις. There is little doubt that Deut 21:22–23 is in view, but the language of the paraphrase reflects Deut 24:15 (οὐκ ἐπιδύσεται ὁ ἥλιος ἐπ’ payment of a man’s daily wage) and perhaps Josh 8:29 (καὶ ἐπιδύνοντος τοῦ ἡλίου Joshua gave instructions). The interpretation, however, is in keeping with Philo’s allegorical approach:

For it was necessary to raise up on high all those who were enemies to every part of the world, so as to show most evidently to the sun, and to the heaven, and to the air, and to the water, and to the earth, that they had been chastised; and after that it was proper to remove them into the region of the dead, and to bury them, in order to prevent their polluting the things upon the earth. (*Laws* 3.152)

The raising up of executed criminals is “to show most evidently” to all of the created order that “they have been chastised.” Showing the created order, or God, that the criminal has been executed demonstrates that the divine law is taken serious and has been enforced.¹⁸ Philo goes on to say that dead criminals are buried, “in order to prevent their polluting the things upon the earth.” Here Philo has alluded to Deut 21:23 (“you shall not defile your land”). We do not know if the criminal has been first executed, then hanged, or if he was hanged alive and subsequently died.

Two more passages should be mentioned. In both Philo indulges in his allegorical approach. In the first he speaks of “souls that love the body” and are caught up in external things. Such souls are “like persons who are crucified [οἱ ἀνασκολοπισθέντες], are attached to corruptible matter till the day of their death” (*Cain* 61). The linkage of “crucified” with “till the day of their death” (ἄχρι θανάτου) suggests that what Philo has in mind this time is the criminal who is hanged alive and who then subsequently succumbs.

¹⁸ Reference again should be made to what Diodorus Siculus reported concerning the practice of the Gauls, in crucifying malefactors “to the gods” (see note 5 above).

In the second passage Philo again compares crucifixion to the mind that is disconnected from the wisdom of God:

Therefore, the mind, being deprived of those things which it had made for itself, having, as it were, its neck cut through, will be found headless and lifeless, and like the one nailed [προσηλωμένος], just as those who are crucified to the tree [οἱ ἀνασκολοπισθέντες τῷ ξύλῳ] of needy and poor ignorance. (*Dreams* 2.213)

Although there is no obvious allusion to Deut 21:22–23, Philo’s use of the verb ἀνασκολοπίζω, which he has used elsewhere when citing or paraphrasing Deut 21:22–23, as well as his reference to “tree” (ξύλον), a word that occurs in Deut 21:22–23, suggests that the Mosaic law of hanging is indeed in view. This passage is especially important because Philo speaks of those “nailed” (προσηλόω), an unmistakable reference to crucifixion. Accordingly we have a link between the hanging of Deut 21:22–23 and crucifixion as practiced in the Mediterranean world of late antiquity.

Josephus twice alludes to Deut 21:22–23. The first passage is in the general context of a survey of Mosaic law. After stating that Israel is not to have an altar or temple in any city other than Jerusalem, Josephus pronounces this law:

He that blasphemes God, let him be stoned, and let him hang all day [κρεμάσθω δι’ ἡμέρας], and then let him be buried in an ignominious and obscure manner. (*Ant.* 4.202)

It is probable that Josephus has conflated Deut 21:22–23 with Lev 24:14–16 (“He who blasphemes the name of the Lord shall be put to death . . . all the congregation shall stone him”). The references to “hang” (κρεμάννυμι), “all day” (δι’ ἡμέρας), and “buried” (θάπτω) recall the language of Deut 21:22–23 (κρεμάσητε αὐτὸν . . . ταφῇ θάψετε αὐτὸν ἐν τῇ ἡμέρᾳ ἐκείνῃ). The actions of “blaspheme” and “stone” reflect Lev 24:14–16. Reference to burial in an “ignominious and obscure manner” likely reflects the practice of the time of Josephus, where the executed were denied burial in a place of honor (cf. *m. Sanh.* 6.5–6; *Semahot* 13.7).¹⁹

¹⁹ See the rich notes in S. Mason (ed.), *Flavius Josephus: Translation and Commentary*. Volume 3: *Judean Antiquities 1–4*, by L. H. Feldman (Leiden: Brill, 2000) 400–402.

In the second passage Josephus expressed indignation over the murder of ruling priests during the Jewish rebellion 66–70. Not only did the rebels kill the priests, they did not bury them:

They proceeded to that degree of impiety, as to cast away their dead bodies without burial, although the Jews used to take so much care of the burial of men, that they took down those that were condemned and crucified [ἀνεσταυρωμένους], and buried them before the going down of the sun. (*J.W.* 4.317)

Implicit is the principle of the argument from the minor to the major: If the condemned and crucified are buried, then surely ruling priests are to be buried. The statement, “buried them before the going down of the sun” (πρὸ δύντος ἡλίου καθελεῖν τε καὶ θάπτειν), once again recalls Deut 21:22–23, along with language borrowed from Deut 24:15, as we saw above in the case of Philo (*Laws* 3.152). Accordingly, we have another important example of the linkage of Deut 21:22–23 with crucifixion.

What we find in Philo and Josephus is a tendency to apply Deut 21:22–23 to contemporary forms of execution, notably crucifixion. Although Greek Deut 21:22–23 employs the verb κρεμάννυμι, we also find ἀνασκολοπίζω and σταυρόω in quotations and allusions to this passage. Indeed, these verbs seemed to be used interchangeably.²⁰ One passage in Philo, in which he complains of the Roman official Flaccus, prefect of Alexandria and Egypt (appointed c. AD 32), illustrates this very point:

⁸³ I have known instances before now of men who had been crucified [τῶν ἀνεσκολοπισμένων] when this festival and holiday was at hand, being taken down and given up to their relations, in order to receive the honors of sepulture, and to enjoy such observances as are due to the dead; for it used to be considered, that even the dead ought to derive some enjoyment from the birthday of a good emperor, and also that the sacred character of the festival ought to be regarded.⁸⁴ But this man did not order men who had already perished on crosses [ἐπὶ σταυρῶν] to be taken down, but he commanded living men to be crucified [ζῶντας δ’ ἀνασκολοπίζεσθαι], men to whom the very time itself gave, if not entire forgiveness, still, at all events, a brief and temporary respite from punishment; and he did this after they had been beaten by blows in the middle of the theatre; and after he had tortured them with fire and sword;⁸⁵ and the spectacle of their sufferings was divided; for the first part of the exhibition lasted

²⁰ “There is no longer any distinction between the two verbs” (ἀνα)σταυρόω and (ἀνα)σκολοπίζω; cf. *TDNT* 7.410.

from the morning to the third or fourth hour, in which the Jews were scourged, were hung up [μαστιγούμενοι, κρεμάμενοι], were tortured on the wheel, were condemned, and were dragged to execution through the middle of the orchestra; and after this beautiful exhibition came the dancers, and the buffoons, and the flute-players, and all the other diversions of the theatrical contests. (*Flaccus* 83–85)²¹

We encounter the obvious language of crucifixion, in being scourged (μαστιγούμενοι) and placed on crosses (ἐπὶ σταυρῶν) while still living (ζῶντας).²² We also encounter the language of Deut 21:22–23 (κρεμάμενοι) and (ἀνα)σταυρόω's synonym (ἀνα)σκολοπίζω. That the law of Deuteronomy may have in fact been in Philo's mind is seen in his bitter complaint about the refusal to allow burial for those executed. Philo notes that on the occasion of the birthday celebration of the emperor (*Flaccus* 81, 83), if not forgiven and released, prisoners were at least given "a brief and temporary respite from punishment." Instead, under the administration of Flaccus they were cruelly tortured in various ways and some were crucified.²³

Qumran has provided important evidence that Deut 21:22–23 could be understood in reference to crucifixion. We see this in the Temple Scroll, in which God himself, speaking in the first person, articulates this law for Israel:

⁷ If a man is a traitor against his people and gives them up to a foreign nation, so doing evil to his people, ⁸ *you are to hang* [וְהָלַךְ יְהוָה] *him on a tree until dead*. On the testimony of two or three witnesses ⁹ he will be put to death, and they themselves shall hang him on the tree. If a man is convicted of a capital crime and flees ¹⁰ to the nations,

²¹ See also *Flaccus* 72: "... were scourged [ἐμαστιγούντο], were tortured, and after all the ill treatment which their living bodies could endure, found the cross [σταυρός] the end of all, and the punishment from which they could not escape."

²² On a second-century epitaph the deceased declares that his murderer, a slave, was "crucified alive [ζῶν ἀνεκρέμασαν] for the wild beasts and birds"; cf. S. R. Llewelyn (ed.), *New Documents Illustrating Early Christianity*, vol. 8 (Grand Rapids: Eerdmans, 1998) 1.

²³ Both Philo and Josephus state that Roman officials normally made allowance for Jewish customs, including burial of the dead, even executed criminals. Josephus asserts that "Jews are so careful about funeral rites that even malefactors who have been sentenced to crucifixion are taken down and buried before sunset" (*J.W.* 4.5.2 §317). See also the remarks in Philo, *Leg. Gaium* 300 (Jewish "customs . . . safeguarded"); Josephus, *Ag. Apion* 2.73 (Romans do not require "their subjects to violate their national laws"); *J.W.* 2.220 ("by abstaining from all interference with the customs of the country (the Roman procurators who succeeded Agrippa I) kept the nation at peace").

cursing his people and the children of Israel, *you are to hang* [וְתֵל יְתֻמָּה] *him, also, upon a tree*¹¹ *until dead*. But you must not let their bodies remain on the tree overnight; you shall most certainly bury them that very day. Indeed,¹² anyone hung [וְתֵל יְ] on a tree is accursed of God and men, but you are not to defile the land that I am¹³ about to give you as an inheritance. (11QT^a 64:7–13 = 4Q524 frag. 14, lines 2–4; with emphasis added)

Whereas Deuteronomy 21:22–23 speaks of one put to death and then hanged, 11QTemple speaks of one hanged “until dead.” Most think crucifixion is in view in this latter instance,²⁴ as also in 4QpNah frags. 3–4, col. i, lines 6–8: “⁶ [. . . ‘He fills] his cave [with prey], his den with game’ (Nah 2:12b). This refers to the Lion of Wrath⁷ [. . . ven]geance against the Flattery-Seekers, whom he will hang up alive alive. [And they will become a curse, as it was with traitors] in Israel of old times. For one hanged alive (וְתֵל יְ) on⁸ [a stake is ca]lled {‘accursed of God’}.”²⁵

Many believe that the Lion of Wrath who crucified the Flattery-Seekers was Alexander Jannaeus,²⁶ whose crucifixion of 800 Pharisees is recounted by Josephus:

²⁴ Among others, see Y. Yadin, “Peshier Nahum (4QpNahum) Reconsidered,” *IEJ* 21 (1971) 1–12; M. Hengel, *Crucifixion: In the Ancient World and the Folly of the Message of the Cross* (London: SCM Press; Philadelphia: Fortress, 1977) 84–85; J. Maier, *The Temple Scroll: An Introduction, Translation and Commentary* (JSOTSup 34; Sheffield: JSOT Press, 1985) 132–34; and J. A. Fitzmyer, “Crucifixion in Ancient Palestine, Qumran Literature, and the New Testament,” in Fitzmyer, *To Advance the Gospel: New Testament Studies* (2nd ed., The Biblical Resource Series; Grand Rapids: Eerdmans, 1998) 125–46, esp. 131–35. For a challenge to this line of interpretation, see J. M. Baumgarten, “Does *TLH* in the Temple Scroll Refer to Crucifixion?” *JBL* 91 (1972) 472–81. Baumgarten has been faulted for reading the Qumran materials through a later rabbinic lens. See also Y. Yadin, *The Temple Scroll* (3 vols., Jerusalem: Israel Exploration Society, 1977, 1983) 1:373–79; and E. Puech, “Notes sur 11Q19 LXIV 6–13 et 4Q524 14,2–4. A propos de la crucifixion dans le Rouleau du temple et dans Judaïsme ancien,” *RevQ* 18 (1997) 109–24.

²⁵ On this reconstruction, see the detailed discussion in G. L. Doudna, *4Q Peshier Nahum: A Critical Edition* (JSPSup 35; CIS 8; London and New York: Sheffield Academic Press, 2001) 389–433, esp. 409–30. Doudna supplies the words, “cursed of God,” arguing, with good evidence, that they were omitted because of religious sensitivity on the part of the Qumran scribe.

²⁶ Important caveats are raised in Doudna, *4Q Peshier Nahum*, 431–33. The “Lion of Wrath” may be Jannaeus, but he may have been understood as a foreign conqueror. See also P.-E. Guillet, “Les 800 ‘Crucifiés’ d’Alexandre Jannée,” *Cahiers du Cercle Ernest Renan* 100 (1977) 11–16; F. García Martínez, “4QpNah y la Crucifixión,” *Estudios Biblicos* 38 (1979) 221–35.

His rage was grown so extravagant, that his barbarity proceeded to a degree of impiety; for when he had ordered eight hundred to be hung upon crosses in the midst of the city [ἀνασταυρώσας ἐν μέσῃ τῇ πόλει], he had the throats of their wives and children cut before their eyes; and these executions he saw as he was drinking and lying down with his concubines. (*J.W.* 1.97; cf. *Ant.* 13.380)

One wonders if part of Josephus's scandal (in *Ant.* 13.380 he calls the executions "cruel" and "inhuman") was that the crucified Pharisees were strung up "in the midst of the city," thus showing no regard for the sanctity of the city itself.

Besides 11QTemple and 4QpNahum, there may be a third Qumran text that refers to crucifixion. In J. A. Fitzmyer's critical edition the text is identified as 4Q282i (cf. PAM 43.400).²⁷ According to G. L. Doudna, the first three lines should read: "¹ . . . the leaders- astray of . . . ² . . . by him when he was hung up . . . ³ . . . he will be called [. . .] by them."²⁸ Doudna suspects the fragment parallels 4QpNah frags. 3–4, col. ii, line 8, which speaks of the "leaders- astray of Ephraim." If so, we may also have reference to being hung, or crucified, and called "accursed" (of God).²⁹ It is important to mention that in all three Qumran texts in which we have reference to crucifixion (assuming that the suggested interpretation of 4Q282i is correct), the context concerns treason (political and/or religious).³⁰

As a final comment, the almost formulaic use of phrases from Deut 21:22–23, such as "hang on tree" and "cursed of God," in reference to crucifixion clarifies the background in which Paul's argument in Gal 3:13 should be understood: "Christ redeemed us from the curse of the law, having become a curse for us — for it is written, 'Cursed be every one who hangs on a tree [ἐπικατάρατος πᾶς ὁ κρεμᾶμενος ἐπὶ ξύλου]'." The curse of the law, of course, entails a death penalty. Crucifixion, linked to Deut 21:22–23 in Jewish thinking of late antiquity (cf. Deut 27:26 "Cursed be he who does not confirm the words

²⁷ J. A. Fitzmyer, "282a-t. 4QUnidentified Fragments B, a-t," in S. J. Pfann, *Qumran Cave 4. XXVI. Cryptic Texts*, and P. Alexander et al., in consultation with J. C. VanderKam and M. Brady, *Miscellanea*, Part I (DJD 36; Oxford: Clarendon Press, 2000) 216–27, here 222.

²⁸ Doudna, *4Q Pesher Nahum*, 409.

²⁹ Doudna, *4Q Pesher Nahum*, 409–11.

³⁰ For further discussion of this topic, see J. M. Baumgarten, "Hanging and Treason in Qumran and Roman Law," *Eretz Israel* 16 (1982) 7–16.

of this law by doing them”), can be seen as a “curse,” thus facilitating Paul’s theology of substitutionary atonement.³¹

Archaeological Evidence of Crucifixion

There is also important archaeological evidence that directly bears on the question of crucifixion in the late second temple period. This evidence includes (1) the skeletal remains found in an ossuary, (2) the Palatine Graffito, (3) curse graffiti, and (4) Christian graffiti and art.

The Skeletal Remains of Yehohanan

The important discovery in 1968 of an ossuary (ossuary no. 4 in Tomb I, at Giv‘at ha-Mivtar) of a Jewish man named Yehohanan, who had obviously been crucified, provides archaeological evidence that corresponds with, if not corroborates, the literature that has been reviewed above.³² The archaeological evidence also provides insight into how Jesus of Nazareth himself may have been crucified.

The ossuary and its contents date to the late AD 20s, that is during the administration of Pilate, the very Roman prefect who condemned Jesus to the cross. The remains of an iron spike (11.5 cm in length) are plainly seen still imbedded in the right heel bone (or *calcaneum*). Those who took down the body of Yehohanan apparently were unable to remove the spike, with the result that a piece of wood (from an Olive tree) remained affixed to the spike. Later, the skeletal remains of the body—spike, fragment of wood, and all—were placed in the ossuary. Forensic examination of the rest of the skeletal

³¹ For important qualifications, see K. S. O’Brien, “The Curse of the Law (Galatians 3.13): Crucifixion, Persecution, and Deuteronomy 21.22–23,” *JSNT* 29 (2006) 55–76.

³² V. Tzaferis, “Jewish Tombs at and near Giv‘at ha-Mivtar,” *IEJ* 20 (1970) 18–32 + plates 1–28; N. Haas, “Anthropological Observations on the Skeletal Remains from Giv‘at ha-Mivtar,” *IEJ* 20 (1970) 38–59; J. Zias and E. Sekeles, “The Crucified Man from Giv‘at ha-Mivtar: A Reappraisal,” *IEJ* 35 (1985) 22–27. The study by Zias and Sekeles offers important corrections to the earlier study by Haas. See the more recent review of the primary evidence and the scholarly discussion in J. Zias and J. H. Charlesworth, “Crucifixion: Archaeology, Jesus, and the Dead Sea Scrolls,” J. H. Charlesworth (ed.), *Jesus and the Dead Sea Scrolls* (ABRL; New York: Doubleday, 1992) 273–89.

remains supports the view that Yehohanan was crucified with arms apart, hung from a horizontal beam or tree branch. However, there is no evidence that his arms, or wrists, were nailed to this cross beam.

The lack of nails or spikes in the hands or wrists of Yehohanan is consistent with a reference in Pliny the Elder (AD 23–79), who refers to rope being used in crucifixion (cf. *Nat. Hist.* 28.4). Nevertheless, it is recorded by others that many victims of crucifixion did have their hands or wrists nailed to the beam. Writing in the second century BC Plautus refers to the crucifixion victim with “his arms and legs are double-nailed” (*Mostellaria* 359–61). Plutarch asks, “Will you nail him to a cross or impale him on a stake?” (*Mor.* 499D). A third century AD author described it this way: “Punished with limbs outstretched . . . they are fastened (and) nailed to the stake in the most bitter torment, evil food for birds of prey and grim picking for dogs” (*Apotelesmatica* 4.198–200).³³

The Palatine Graffito

The Palatine Graffito illustrates a victim of crucifixion in a graphic manner. The well known graffito was found etched on a plastered wall in what is believed to have been slaves’ quarters, perhaps in the *domus Gelotiana*, on the Palatine Hill in Rome.³⁴ Found

³³ See the old study by J. W. Hewitt, “The Use of Nails in the Crucifixion,” *HTR* 25 (1932) 29–45. Hewitt guessed correctly that crucifixion victims were sometimes tied to the cross with ropes (p. 32), but he erred in expressing doubt that the feet were nailed (pp. 43–45). Hewitt’s study is valuable for its survey of the depiction of crucifixion in art, particularly with reference to the nails.

³⁴ For an early report and description, see R. Lanciani, *Ancient Rome in the Light of Recent Discoveries* (Boston: Houghton, Mifflin, 1898) 121–22 + plate; E. Staedler, “Das ‘Spottkruzifix’ vom Palatin: Ein Votivbild?” *Theologische Quartalschrift* 117 (1936) 253–60. For more recent discussion, see H. Solin and M. Itkonen-Kaila, *Graffiti del Palatino* (Acta Instituti Romani Finlandiae 3; Helsinki: Helsingfors, 1966) 211 no. 246; B. H. McLean, *An Introduction to Greek Epigraphy of the Hellenistic and Roman Periods* (Ann Arbor: University of Michigan Press, 2002) 208 (“discovered in the subterranean chambers of the Roman Palatine Hill”); D. L. Balch and C. Osiek, *Early Christian Families in Context: An Interdisciplinary Dialogue* (Grand Rapids: Eerdmans, 2003) 103–4; J. G. Cook, “Envisioning Crucifixion: Light from Several Inscriptions and the Palatine Graffito,” *NovT* 50 (2008) 262–85, esp. 282–85. The original locus of the graffito is disputed. According to G. F. Snyder, *Ante Pacem: Archaeological Evidence of Church Life before Constantine* (Macon GA: Mercer University Press, 1985) 27–28, the

in 1857 the graffito has been dated to the first half of the third century.³⁵ Initially taken to the Kircherian Museum at the Collegio Romano, it is now housed in the Palatine Museum.

The graffito depicts a crucified figure with the head of a donkey. The figure's hands and arms are outstretched, evidently nailed to the cross beam,³⁶ or *patibulum*. The figure is wearing a short-sleeved *colobium*, or undershirt (typical dress of slaves), that extends from the shoulders to the waist. The feet rest on a short, horizontal plank. To the left (i.e., to the crucified figure's right) is another figure standing, with one arm upraised. The crucified figure is looking at this man. The upraised hand and arm are either a salute or, as one scholar has suggested, the act of throwing a kiss.³⁷ Between and beneath the two figures, written in four lines, are the words *Ἀλεξάμενος σέβετε θεόν*. Taken at face value, these words mean, "Alexamenos, worship God!" But the imperative is unlikely. Most interpreters think *σέβετε* is probably a misspelling of the indicative form *σέβεται*. Accordingly, the words are descriptive: "Alexamenos worships (his) God."³⁸

The crucified figure "is probably a mock representation of Christ or of Anubis, the jackal-headed god of Egypt."³⁹ Indeed, G. M. A. Hanfmann has called attention to the recounting of the execution of the Seleucid pretender Achaïos at Alexandria in 214 BC. According to Polybius (8.21), Achaïos was killed and degraded by "... cutting off his

graffito was "found in the servants' quarters of the Imperial Palace." According to E. Ferguson, *Backgrounds of Early Christianity* (2nd ed., Grand Rapids: Eerdmans, 1993) 559–61, the graffito was "scratched on a stone in a guard room on Palatine Hill near the Circus Maximus."

³⁵ M. A. Tomei, *Museo Palatino* (Rome: Electa, 1997) 104–5. An image of the graffito is provided on p. 104.

³⁶ In the manner described in the *Anthologia Latina*: "The criminal, outstretched on the infamous stake, hopes for escape from his place on the cross" (415.23).

³⁷ Cook, "Envisioning Crucifixion, 283 n. 91.

³⁸ *Ἀλεξάμενος* may in fact be a form of Alexander.

³⁹ McLean, *An Introduction to Greek Epigraphy*, 208. Pagans sometimes mocked Jews, depicting their God as a donkey. The Jewish roots of the Christian movement may well explain the similar mockery of Jesus. From Tertullian (*Ad nat.* 1.14.1–4) we know that Christians were accused of worshipping a deity whose head was that of a donkey. At least one scholar has challenged the widely-accepted interpretation. See P. Maser, "Das sogenannte Spottkruzifix vom Palatin: Ein 'frühchristliches' Denkmal im Widersteit der Meinungen," *Das Altertum* 18 (1972) 248–54. For rebuttal, see Balch and Osiek, *Early Christian Families in Context*, 103–4.

head and sewing (him) into the hide of a donkey to crucify his body [ἀνασταυρώσαι τὸ σῶμα].” Hanfmann wonders if the Palatine Graffito’s depiction of Jesus as a crucified donkey may reflect a tradition of execution and insult visited upon royal pretenders.⁴⁰ His depiction in slave’s attire, admired by a slave, is consistent with the Roman view of crucifixion as *servile supplicium*, “slave’s punishment,” and culturally clarifies the passage in honor of Jesus in Paul’s letter to the Philippian Christians: Christ Jesus “emptied himself, taking the form of servant . . . humbled himself and became obedient unto death, even death on a cross” (Phil 2:7–8).

Hanfmann has also discussed an *ampulla* found at Sardis, dating to the Byzantine period, which on one side depicts a donkey carrying a cross (fig. 1) and on the other depicts a donkey carrying a sphere, over which is a cross (fig. 2). He suggests that these depictions are mocking illustrations of Jesus’ entry into Jerusalem (Matt 21:1–7).⁴¹ I should think that what is in view is Jesus’ carrying the cross to the place of execution (Matt 27:31–32), as well as his teaching that his followers must also be willing to take up the cross (cf. Matt 16:24).

Curse Graffiti

Crucifixion has also been described in crude curse graffiti. One Latin inscription found in the Stabian baths of Pompeii reads: *in cruce figarus*, i.e., “Get nailed to a cross!” (CIL IV.2082).⁴² The phrase, *in cruce*, means “to a/the cross,” and the verb *figarus* (from *figere*) is the second person singular passive subjunctive, meaning “be fixed,” “fastened,” or, in reference to a cross, “get nailed.”⁴³ One scholar suggests the curse is the equivalent

⁴⁰ G. M. A. Hanfmann, “The Crucified Donkey Man: Achaïos and Jesus,” in G. Kopcke and M. B. Moore (eds.), *Studies in Classical Art and Archaeology: A Tribute to Peter Heinrich von Blanckenhagen* (Locust Valley NJ: J. J. Augustin, 1979) 205–7 + plates 55.1–2.

⁴¹ G. M. A. Hanfmann, “The Donkey and the King,” *HTR* 78 (1985) 421–26 + figs. 1 and 2. See also the discussion in G. H. R. Horsley (ed.), *New Documents Illustrating Early Christianity*, vol. 4 (North Ryde: Macquarie University, 1987) 137.

⁴² Long ago noted in *The Antiquary* 34 (1898) 149.

⁴³ J. N. Adams, *The Regional Diversification of Latin, 200 BC – AD 600* (Cambridge: Cambridge University Press, 2007) 448; R. Wallace, *An Introduction to Wall Inscriptions from Pompeii and Herculaneum* (Wauconda IL: Bolchazy-Carducci, 2005) 51.

of saying, “Go to hell!”⁴⁴ In fact, we are told by Plautus (*Ps.* 335) that a pimp said to a slave: *i in malem crucem* (“Go to an evil cross!”), which, again, is probably the equivalent of “Go to hell!”⁴⁵

Another Latin curse inscription found on the wall of a basilica in Pompeii reads *Samius Cornelio suspendre* “Samius (says) to Cornelius, get hung!” (*CIL* IV.1864). *Suspendre* should be *suspendere*. It is an infinitive used as an imperative. *Dicit* (“he says”) is assumed.⁴⁶ Getting hung on a cross is what is implied. That the cross is in view is supported by the observation that *suspendere* is used in Seneca (*Dial.* 6.20.3) in reference to crucifixion.⁴⁷

Christian Graffiti and Art

Early Christian art also sheds some light on the practice of crucifixion in late antiquity. One item of concern for Christians was the fact that the normal practice was to crucify the victim in the nude. This seems to have been so in the case of Jesus, whose clothing was obtained by the guards (John 19:23).⁴⁸ However, in Christian art Jesus is depicted as wearing a loin-cloth or *colobium* (undershirt). A very early example of the former is seen in the wood carving on the door of the Church of Saint Sabina, Rome, which dates to c. 430. Jesus clad in a *colobium* is seen in an eighth-century icon in the Monastery of Saint Catherine, Mount Sinai. The *colobium* extends from the shoulders to the feet, in contrast to the *colobium* depicted in the third-century Palatine Graffito, discussed above, which extended from the shoulders to the waist.⁴⁹

⁴⁴ Cook, “Envisioning Crucifixion,” 277.

⁴⁵ Cook, “Envisioning Crucifixion,” 277 n.68.

⁴⁶ Cited long ago in J. A. Overbeck, *Pompeji in seinen Gebäuden, Alterthümern und Kunstwerken für Kunst- und Alterthumsfreunde* (3rd ed., Leipzig: Engelmann, 1875) 432, and more recently in Wallace, *An Introduction to Wall Inscriptions from Pompeii and Herculaneum*, 51.

⁴⁷ Cook, “Envisioning Crucifixion,” 277 n. 68. Other curses have been found at Pompeii, for example: *vae tibi* (“Woe to you!”) and *vei tabescas* (“Go to rot!”), both etched in the amphitheater; and, finally, in a basilica: *ut pereat rogo* (“I ask that he perish”); cf. Overbeck, *Pompeji*, 432.

⁴⁸ According to John 19:23, the guards gambled for his garments (τὰ ἱμάτια), including his tunic (ὁ χιτῶν).

⁴⁹ See D. R. Cartlidge and J. K. Elliott, *Art and the Christian Apocrypha* (London and New York: Routledge, 2001) 123–27 + figs. 4.31 and 4.32.

In the Lucina Catacomb of Rome we find a Greek epitaph that reads “Rufina, peace,” beneath which is inscribed an equilateral or Greek cross. In the Catacomb of Callistus we find the name of the deceased, Irene, this time in Latin, with an elevated cross between the letters e and n. The Lucina and Callistus catacombs, along with those at Domitilla and Priscilla, originated in the middle of the second century. Both the Rufina and Irene inscriptions are early and could date to the second half of the second century.⁵⁰

Early Christians also depicted the symbol of the cross in a hidden or disguised manner, known as *crux dissimulata*. A favorite design was the anchor, probably suggested by the remark in Heb 6:19 “We have this as a sure and steadfast anchor [ἄγκυραν] . . .” and by the similarity of the sound of the word anchor and the phrase ἐν κυρίῳ (“in the Lord”). The anchor symbol was more or less like an upside down cross, whose horizontal beam was curved and perhaps hooked, as in the fashion of the anchor. Sometimes the anchor cross included a fish, another well known hidden symbol of the Christian confession.

These symbols are common in the catacombs near Rome. On the epitaph of Atimetus in the catacombs of Saint Sebastian on the Via Appia, Rome, we see the anchor cross on the left and a fish on the right. On a wall in the Catacomb of Priscilla there is a well executed anchor, right side up, with a eye at the top, through which the chain or rope would pass, beneath which is a wide horizontal bar (the equivalent of the cross’s *patibulum*), and at the bottom of the vertical shaft are the curving, pointed anchor grips. The anchor cross is flanked by fish in vertical pose, heads up and tails down.⁵¹ Other anchor crosses appear on catacomb floors and walls, sometimes very simple, even crude in execution. They have also been found on seals.

Another important image of the cross is found in the staurogram and its cousin the christogram. These are found etched and painted on various surfaces, some public, some private. Among some of the most interesting—and most ancient—are those found in

⁵⁰ J. Finegan, *The Archeology of the New Testament* (Princeton: Princeton University Press, 1969) 251. For many examples of cross diagrams, including several anchor crosses, see G. Wilpert, “La croce nei monumenti delle catacombe,” *Nuovo Bullettino di Archeologia Cristiana* 8 (1902) 5–14.

⁵¹ See R. M. Jensen, *Understanding Early Christian Art* (London and New York: Routledge, 2000) 18; J. L. Reed, *The HarperCollins Visual Guide to the New Testament: What Archaeology Reveals about the First Christians* (San Francisco: HarperOne, 2007) 144–45.

early Christian books, usually books of Scripture.⁵² In recent years Larry Hurtado has published significant studies of this phenomenon, in which important corrections and clarifications have been made.⁵³

Hurtado calls our attention to the presence of the *tau-rho* (Ϡ) compendium in three of our oldest Greek New Testament mss, P⁴⁵, P⁶⁶, and P⁷⁵.⁵⁴ These mss date to no later than the very beginning of the third century. Three times in P⁶⁶, in John 19:19, 25, and 31, the noun σταυρός appears in abbreviated form with the *tau-rho* compendium within, twice in the genitive as ϠϠΟΥΥ and once in the dative (partially restored) as [Ϡ]ϠΩ. In P⁴⁵ and P⁷⁵ the same phenomenon occurs (at Luke 14:27 in both; it also occurs in other passages). In due course the *chi-rho* and other compendia and monograms appeared in Christian manuscripts and art.⁵⁵ Hurtado rightly reasons that the appearance of the *tau-rho* at the beginning of the third century in three unrelated mss suggests that use of the

⁵² K. Aland, “Bemerkungen zum Alter und Entstehung des Christogramms anhand von Beobachtungen bei P⁶⁶ und P⁷⁵,” in *Studien zur Überlieferung des Neuen Testaments und seines Textes* (ANTF 2; Berlin: de Gruyter, 1967) 173–79; M. Black, “The Chi-Rho Sign — Christogram and/or Staurogram?” in W. W. Gasque and R. P. Martin (eds.), *Apostolic History and the Gospel* (Grand Rapids: Eerdmans, 1970) 319–27; W. Wischmeyer, “Christogramm und Staurogramm in den lateinischen Inschriften altkirchlicher Zeit,” in G. Andresen and G. Klein (eds.), *Theologia Crucis — Signum Crucis: Festschrift für Erich Dinkler zum 70. Geburtstag* (Tübingen: Mohr Siebeck, 1979) 539–50; E. Dinkler-von Schubert, “ϠΤΑΥΡΟC: Vom ‘Wort vom Kreuz’ (1 Cor. 1,18) zum Kreuz-Symbol,” in D. Mourika et al. (eds.), *Byzantine East, Latin West: Art-Historical Studies in Honor of Kurt Weitzmann* (Princeton: Princeton University Press, 1995) 29–39.

⁵³ L. W. Hurtado, *The Earliest Christian Artifacts: Manuscript and Christian Origins* (Grand Rapids: Eerdmans, 2006) 135–54 + plates 4–6; idem, “The Staurogram in Early Christian Manuscripts: The Earliest Visual Reference to the Crucified Jesus?” in T. J. Kraus and T. Nicklas (eds.), *New Testament Manuscripts: Their Text and Their World* (TENT 2; Leiden: Brill, 2006) 207–26.

⁵⁴ Hurtado, *The Earliest Christian Artifacts*, 141–43.

⁵⁵ The *chi-rho* compendium antedates Christianity. It was used as an abbreviation for a military tribune (χιλιάρχης), “time” (χρόνος), and “useful” (χρήσιμον or χρηστός). On this, see M. Avi-Yonah, *Abbreviations in Greek Inscriptions (the Near East, 200 B.C. – A.D. 1100)* (London: Oxford University Press, 1940) 112. The *chi-rho* monogram appeared on Roman standards and *vexilla*, to which Justin Martyr makes reference (in the already-mentioned *I Apol.* 55). As a Christian symbol, its earliest artifactual attestation may be in the inscriptions on two funeral stelae, dating to about 200, found in Phrygia. See W. H. Buckler, W. M. Calder, and C. W. M. Cox, “Monuments from Central Phrygia,” *JRS* 16 (1926) 61–74, esp. 61–64 + fig. 183; and for more examples, Finegan, *Archeology of the New Testament*, 233–34.

symbol emerged in the second century. This supposition seems confirmed by the discussion in Justin Martyr, in his *First Apology* (c. 155), in which he appeals to Plato's comment "He placed him crosswise [ἐχίασεν] in the universe" and suggests it adumbrates the cross of Christ (*I Apol.* 60.1–5). Given Justin's earlier discussion of cross-shaped objects (cf. *I Apol.* 55 "this shows no other form than that of the cross [τὸ σχῆμα τοῦ σταυροῦ]"), Hurtado sees evidence here of a consciousness among mid-second-century Christians of cross sigla, at least a generation or more before the copying of the Greek manuscripts that have been discussed.⁵⁶ Later manuscripts, of course, elaborate on this theme, sometimes in ingenious ways.⁵⁷

Concluding Remarks

Although the forms of crosses used for crucifixion varied in late antiquity,⁵⁸ a rather consistent pattern is seen in the case of Jesus of Nazareth. Visual depictions of crucifixion and the cross are consistently those of tradition, with only minor variations. These depictions consist of a vertical pole or stake and a horizontal beam or *patibulum*. The vertical pole may extend above the horizontal beam, the horizontal beam may be roughly centered to the vertical pole, or the horizontal beam may rest atop the vertical pole forming a *tau*-shaped figure.

⁵⁶ Hurtado, *The Earliest Christian Artifacts*, 147–48. Hurtado also faults G. F. Snyder for continuing to make the erroneous claim that with regard to Jesus iconography, there "is no place in the third century for a crucified Christ, or a symbol of divine death." See Snyder, *Ante Pacem*, 29. This error is not corrected in the 2003 edition.

⁵⁷ One thinks of the "cruciform" Scripture texts and lectionaries, in which the handwritten text on each page is shaped in the form of a cross (i.e., the first dozen lines or so form a narrow column, while the next ten lines or so are wide, forming a horizontal bar, and the last dozen lines or so are once again formed as a narrow column). For an example of the cruciform, see the plate of codex 047 (eighth century) in B. M. Metzger, *Manuscripts of the Greek Bible: An Introduction to Paleography* (Oxford: Oxford University Press, 1981) 98–99 + plate 23.

⁵⁸ As Seneca remarked: "Yonder I see crosses, not indeed of a single kind, but differently contrived by different peoples; some hang their victims with head toward the ground, some impale their private parts, others stretch out their arms on a fork-shaped gibbet" (*Dial.* 6.20.3). Josephus describes the same thing during the siege of Jerusalem in AD 70 (cf. *J.W.* 5.451).

Literary references to outstretched arms or hands, sometimes nailed, cohere with the visual depictions, especially as seen in the Palatine Graffito. The skeletal remains of the early first-century Jewish man Yehohanan, whose right heel was found transfixed by an iron spike, has provided archaeological confirmation of both art and literature. Early Christian statements, such as we see in Col 2:14 (“the bond which stood against us . . . he set aside, nailing it to the cross [προσηλώσας αὐτὸ τῷ σταυρῷ]”), in Acts 2:23 (“this Jesus . . . having fastened (to the cross) you killed [προσπήξαντες ἀνείλατε]”), and in John 20:25 (“Unless I see in his hands the print of the nails [ἐν ταῖς χερσὶν αὐτοῦ τὸν τύπον τῶν ἥλων]”), reflect the grim reality of Roman practice, not rhetorical fancy. Even the crude curse graffiti, such as “Get fastened (or nailed) to a cross” or “Get hung,” accurately reflect this reality.

In Christian books and funerary art the cross symbol, especially as seen in the *tau-rho* compendium, emerged in the second century, became more or less standard in the third century and beyond. Even when disguised (i.e., the *crux dissimulata*), the traditional form of the cross is evident (as in the anchor crosses, which may have first appeared in the late second century). The depictions of the crucified Jesus variously wearing a loin-cloth or *colobium* represent attempts to provide a measure of modesty. When the author of Hebrews says Jesus “endured the cross, despising its shame [ὑπέμεινεν σταυρὸν αἰσχύνης καταφρονήσας]” (Heb 12:2), the nakedness of the victim of crucifixion would have been understood as at least part of this shame.

Two, possibly three Scrolls from Qumran (11QT^a, 4QpNah, and 4Q282i) shed very important light on how Deut 21:22–23, clarifying the use of this passage in Philo, Josephus, and, especially, in Paul’s letter to the churches of Galatia. There can now be no question that the application of Deut 21:22–23 to crucifixion, as practiced in the Roman era, predated the Christian movement and its application of this text to the crucifixion of Jesus. We should also interpret other passages in this light. These include Acts 5:30; 10:39; 13:29; and 1 Pet 2:24, which speak of Jesus being hanged on or taken down from a “tree.” All of these passages allude to Deut 21:22–23, a passage we now know was interpreted in Jewish late antiquity as having to do with crucifixion. Even Paul’s understandable omission of “by God” (ὑπὸ θεοῦ) in his partial quotation of Deut 21:23 in Gal 3:13 is approximately paralleled in 4QpNah, whose copyist omits the entire

offending phrase, “accursed of God.” Indeed, the expanded form of Deut 21:22–23 that we find in 11QT^a, “accursed of God and men,” coheres with the mockery of passersby that Jesus endured while hanging on the cross (Matt 27:39–43; Mark 15:29–32).

In short, what we see in the Dead Sea Scrolls, archaeology, art, and symbols is a remarkable convergence and coherence with first-century Judaeo-Christian literature, in which reference to crucifixion is made, whether in passing or in strongly worded and highly motivational language. Most importantly is the observation of the shift in the understanding of Deut 21:22–23, from that of death then hanging, to death by hanging, or hanging until death has occurred. A long, unsavory, and evolving history of interpretation lay behind this Old Testament passage, before the followers of Jesus applied it to their crucified master.